

Section 1013.20(1), Florida Statutes, requires the State Board of Education to adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. “The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Florida Building Code or the State Requirements for Educational Facilities for existing relocatables, as applicable, to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990.” Similar language appears in the Florida Building Code.

School buildings are required to meet the American Society of Heating, Refrigeration and Air Conditioning (ASHRAE) Standards for ventilation, comfort and indoor environmental quality related problems. School buildings are also required to operate in accordance with American Society of Heating, Refrigeration and Air Conditioning design standards.

The Department of Health’s school sanitation standards require that ventilation systems be in operation during occupied periods.

The Indoor Air Quality Tools for Schools Program referred to in the bill is designed around the use in a single school and not for a whole school district. Most districts have centralized maintenance and environmental functions which may not be conducive to implementing the entire Tools for Schools Program.

School districts are currently mandated to conduct safety, casualty, and sanitation inspections which should identify obvious problems. Identifying hidden indoor environmental quality problems is more complex and often cannot be achieved by visual inspection. As an example, moisture problems in wall cavities can require the use of specialized tools to detect the problem.

School districts and individual schools experience frequent turnover in the facilities, maintenance and custodial staff. Certain training for custodians, maintenance employees, and principals is currently available at no cost to the school districts by the Department although it may not specifically include the requirements of this bill.

Fiscal Impact

See fiscal comments

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill significantly expands the responsibility of school districts and the Department of Education to monitor and control indoor air quality and train school district employees.

Empower families: The bill provides additional review and oversight of indoor air quality of school facilities.

B. EFFECT OF PROPOSED CHANGES:

House bill 469 creates Section 1013.135, Florida Statutes, requiring each school district to:

1. Adopt and implement an indoor air quality program based upon the U.S. Environmental Protection Agency's Indoor Air Quality Tools for Schools Program.
2. Provide annual reports to the Department of Education on air quality conditions of its educational facilities including actions taken to implement the indoor air quality program and long-range program.

Uniform indoor air quality inspections and evaluations of educational facilities are required as follows:

1. Inspections and evaluations are required to be completed by January 2010.
2. Buildings built or renovated after January 1, 2005 are subject to inspection and evaluation every five (5) years.
3. Buildings built before January 1, 2005 which are not scheduled for renovation are subject to inspection and evaluation every two (2) years.
4. Results of inspections shall be made available for public review during a regularly scheduled board meeting.

The bill provides that school sites shall have an environmental assessment relating to air quality prior to approving construction on the site. Districts shall not approve an educational facility site or project if the site is in the area of moderate or high radon potential (with an exception for incorporation of construction techniques that mitigate radon levels in the air of the facility) or if the standards of the State Uniform Building Code for Educational Facilities Construction standards for heating, ventilation and air conditioning systems are not met.

Districts are to ensure that heating, ventilation and air conditioning systems of each educational facility are maintained and operated in accordance with nationally recognized standards and that they operate continuously during hours the facility is occupied.

The bill requires the school district to maintain maintenance records of heating, ventilation and air conditioning systems for at least five (5) years.

Districts are to establish an indoor air quality committee for the entire school district or for each facility to increase awareness of staff and students of facets of the environment that may affect the health of facilities occupants. The awareness program is to at least include content relating to air quality and the presence of radon.

An indoor air quality training program for facilities, maintenance and custodial staff is required. New employees are to complete training within the first 60 days of employment and existing employees are to complete training within one (1) year of program implementation.

In the case of new construction, extension, renovation, or replacement of an educational facility, building maintenance staff for the facility must be trained in the appropriate areas of plant operations. Such training is to be incorporated in the training manual for certification of master custodians.

The bill will take effect on July 1, 2005.

C. SECTION DIRECTORY:

Section 1. Section 1013.135, Florida Statutes, is created.

Section 2. Establishes an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Cost- This bill does not appear to have a direct economic impact on the private sector.

2. Direct Private Sector Benefits – There could be a benefit to the firms hired to bring buildings into compliance. The amount is indeterminate.

3. Effects on Competition, Private Enterprise, and Employment Markets – The bidding process to award contracts to private businesses to bring school properties into compliance would create a competitive market and therefore affect the cost. The amount is indeterminate at this time.

D. FISCAL COMMENTS:

This bill was submitted during the 2004 Session as HB 107. At that time the Department of Education cost estimate for the bill was based on using \$500 per school for an assessment of existing environmental problems. The Department also determined that assessment of new school sites prior to construction costs about \$5,000 per site. Approximately 40 new schools have been constructed each year for the past five years. The Department estimated that one-half of all public schools have an environmental concern that requires some type of correction.

The Department also estimated an average cost of \$50,000 per school to correct indoor environmental concerns. Historically, identified indoor environmental quality problems have led to lawsuits. Award amounts in lawsuits are unpredictable and cannot be determined.

Environmental assessment of each school \$500 x 2,800 schools =	\$1,400,000 annually
Site assessment of each new school site \$5,000 x 40 sites/year =	\$200,000 annually
Correction of environmental problems \$50,000 x 1,400 =	\$70,000,000 non-recurring
	Total = \$71,600,000

Litigation cost cannot be determined at this time but could be substantial.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES